

**This order is SIGNED.**

**Dated: January 24, 2020**



**JOEL T. MARKER**  
**U.S. Bankruptcy Judge**



*Prepared and Submitted by:*

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*Attorneys for Defendants Danny & Kellyann Pacheco*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In re: DANNY ZURIEL PACHECO and  
KELLYANN FOUATZ PACHECO,  
Debtors.

ALLEN YUHUNG LIN and YAPING LIN  
a/k/a ENYA LIN,

Plaintiffs,

vs.

DANNY ZURIEL PACHECO and  
KELLYANN F. PACHECO,  
Defendants.

Bankruptcy No.: 19-22473 JTM  
(Chapter 7)

Adversary Proceeding No. : 19-02076

Judge: Joel T. Marker

**ORDER ON DEFENDANTS' MOTION TO DISMISS  
ADVERSARY COMPLAINT**

On Thursday, January 23, 2020, the Court held a hearing on the MOTION TO DISMISS

ADVERSARY COMPLAINT (*See*: Court Docket No. 9) filed previously on behalf of Debtor/Defendants, Danny Zuriel Pacheco and Kellyann F. Pacheco, the Honorable Joel T. Marker presiding. Adam Affleck and Zach Sayer appeared on behalf of the Plaintiffs, Allen Yuhung Lin and Yaping Lin *a/k/a* ENYA LIN; Jory Trease appeared on behalf of the Debtor/Defendants, Danny Zuriel Pacheco and Kellyann F. Pacheco. The Court reviewed the relevant pleadings and heard argument from counsel at the hearing prior to rendering its' ruling.

The Court, being fully advised in the premises and good cause appearing, hereby

**ORDERS, ADJUDGES, AND DECREES** the following:

1. The Defendants' MOTION TO DISMISS ADVERSARY PROCEEDING (Docket No. 9) is hereby **GRANTED** in part, and **DENIED** in part, for the reasons explained on the record;
2. All claims asserted against Defendant Kellyann Pacheco are dismissed;
3. All claims asserted by Plaintiff, ALLEN YUHUNG LIN are dismissed;
4. The Plaintiff is hereby permitted to file an Amended Complaint until February 13, 2020;
5. The Defendant is hereby permitted until February 27, 2020, unless otherwise agreed to by the parties, to file a responsive pleading in relation to the Amended Complaint referenced within the immediately preceding paragraph.

**It is so ordered.**

-----**END OF DOCUMENT**-----

Approved as to Form via email by:

Adam Affleck, Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2020, I electronically filed the foregoing **ORDER ON DEFENDANT'S MOTION TO DISMISS ADVERSARY COMPLAINT**, with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

- Adam S. Affleck [adam-affleck@rbmn.com](mailto:adam-affleck@rbmn.com)
- John E. Keiter [john-keiter@rbmn.com](mailto:john-keiter@rbmn.com)
- J. Grant Moody [jgmoodylaw@cs.com](mailto:jgmoodylaw@cs.com)
- Jory L. Trease [caseinfo.jtbankruptcy@gmail.com](mailto:caseinfo.jtbankruptcy@gmail.com) , [jorytrease@msn.com](mailto:jorytrease@msn.com) ;  
[janci.jtbankruptcy@gmail.com](mailto:janci.jtbankruptcy@gmail.com) ; [myecfemail.jtbankruptcy@gmail.com](mailto:myecfemail.jtbankruptcy@gmail.com) ;  
[r47629@notify.bestcase.com](mailto:r47629@notify.bestcase.com)
- United States Trustee [USTPRegion19.SK.ECF@usdoj.gov](mailto:USTPRegion19.SK.ECF@usdoj.gov)

**By U.S. mail** – I further certify that on January 24, 2020, I caused the foregoing document to be sent by United States mail, first class postage prepaid, to the following at the addresses set forth below:

- ☒ NONE
- ☐ Manual Notice List:
- ☐ All parties on the Court's official case matrix (attached)

/s/ Jory L. Trease

## **DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing **ORDER** shall be served to the parties and in the manner designated below:

The following is the list of **parties** who are currently on the list to receive email notice/service via ECF for this case.

- Adam S. Affleck [adam-affleck@rbmn.com](mailto:adam-affleck@rbmn.com)
- John E. Keiter [john-keiter@rbmn.com](mailto:john-keiter@rbmn.com)
- J. Grant Moody [jgmoodylaw@cs.com](mailto:jgmoodylaw@cs.com)
- Jory L. Trease [caseinfo.jtbankruptcy@gmail.com](mailto:caseinfo.jtbankruptcy@gmail.com) , [jorytrease@msn.com](mailto:jorytrease@msn.com) ;  
[janci.jtbankruptcy@gmail.com](mailto:janci.jtbankruptcy@gmail.com) ; [myecfemail.jtbankruptcy@gmail.com](mailto:myecfemail.jtbankruptcy@gmail.com) ;  
[r47629@notify.bestcase.com](mailto:r47629@notify.bestcase.com)
- United States Trustee [USTPRegion19.SK.ECF@usdoj.gov](mailto:USTPRegion19.SK.ECF@usdoj.gov)

### **Manual Notice List**

The following is the list of **parties** who are **not** on the list to receive email notice/service for this case (who therefore require manual noticing/service).

- ☒ NONE
- ☐ Manual Notice List:
- ☐ All parties on the Court's official case matrix (attached)

/s/ Jory L. Trease

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JLT/dm